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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 ARLY DENVER BOSH,

9 Plaintiff,

10 v.

11 DEPARTMENT OF VETERANS AFFAIRS,

12 Defendant.

Case No. C16-1721RSM

ORDER OF DISMISSAL

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14 This matter comes before the Court *sua sponte* on the Court's February 28, 2018 Minute
15 Order to Show Cause why this case should not be dismissed for failure to prosecute. Dkt. #8. In
16 that Order the Court stated that Plaintiff did not appear to be prosecuting this case as the
17 Complaint was filed on November 7, 2016, and Plaintiff has never provided evidence of proper
18 service under Rule 4 of the Federal Rules of Civil Procedure or taken any other action since
19 January 9, 2017.

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21 In the Court's January 20, 2017 Order Denying Motion for Default, Plaintiff was directed
22 that his word that "service of process was had on the defendant on 7 November 2016" was not
23 sufficient. Dkt. #6. Further, the Court explained specific deficiencies and directed Plaintiff to
24 the specific portions of Rule 4 addressing proper service on the Department of Veterans Affairs
25 *and* the United States.
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1 Over a year has passed since that Order. Plaintiff has taken no action in this case since,
2 has failed to satisfy obligations under the Court's Scheduling Order (Dkt. #7), and has not served
3 the Defendant within the 90 days set under Federal Rule of Civil Procedure Rule 4(m). While
4 Plaintiff has responded to the Court's Minute Order to Show Cause and explained Plaintiff's
5 circumstances and intent to prosecute the case, Plaintiff has not established good cause for the
6 failure to properly serve the Defendant in the past year and has not provided any indication that
7 Defendant will be properly served in the future. Accordingly, the Court will dismiss the action
8 without prejudice. Fed. R. Civ. P 4(m). In so ruling, the Court takes no position on the underlying
9 merits of Plaintiff's case.
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11 Having reviewed Plaintiff's Response to Order to Show Cause (Dkt. #9) and the record
12 herein, the Court hereby finds and ORDERS:

- 13 1. This matter is DISMISSED without prejudice for failure to prosecute.
- 14 2. This case is now CLOSED.

15 DATED this 29th day of March 2018.
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18 RICARDO S. MARTINEZ
19 CHIEF UNITED STATES DISTRICT JUDGE
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